**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**C.R.No. 2511 of 2006**
**Date of decision : 31.10.2006.**

Union of India

.....Petitioner.

Versus

M/s Shri Krishan & Company, Chandimandir & Ors.

.....Respondents.

**CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA**

Present : Mr. Jagdish Marwaha,Advocate
for the petitioner.

Mr. Ashok Gupta, Advocate
for respondent No.1.

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**VINOD K. SHARMA,J.( ORAL )**

The present revision petition has been filed against the order dated 15.4.2006 passed by the learned Addl. District Judge, Fast Track Court, Ambala vide which the petitioner has been directed to pay the balance decretal amount to the respondents in an execution application moved by the decree-holder.

The contention of the learned counsel for the petitioner is that after passing of the decree and in pursuance to the notice issued to the respondents payment has been made towards full and final settlement and, therefore, the petitioner by his own acts and conduct is estopped from executing the decree of the Court and as such the impugned order cannot be sustained.

It is not in dispute that the total decretal amount has not been paid. There is no estopple against the execution of the decree merely because the petitioner has chosen to issue a notice and sent a cheque claiming it to be towards full and final settlement of the amount. In any case unless and until the decree is satisfied or the application is moved on the basis of compromise and finding is recorded that decree stands satisfied, it is not open to the petitioner herein to object to the amount claimed by the petitioner which is admittedly as per the decree.

No ground for interference.

Dismissed.

The learned executing Court is accordingly directed to calculate the amount in accordance with the decree and pass appropriate orders, in terms of the decree.

October 31,2006 **( VINOD K. SHARMA )**
'sp' **JUDGE**